

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

COMMON CAUSE RHODE ISLAND,
LEAGUE OF WOMEN VOTERS OF
RHODE ISLAND, MIRANDA
OAKLEY, BARBARA MONAHAN,
and MARY BAKER,

Plaintiffs,

v.

Case No. 1:20-cv-00318-MSM-LDA

NELLIE M. GORBEA, in her official capacity as Secretary of State of Rhode Island; DIANE C. MEDEROS, LOUIS A. DESIMONE JR., JENNIFER L. JOHNSON, RICHARD H. PIERCE, ISADORE S. RAMOS, DAVID H. SHOLES, and WILLIAM E. WEST, in their official capacities as members of the Rhode Island Board of Elections,

Defendants,

REPUBLICAN NATIONAL COMMITTEE, and RHODE ISLAND REPUBLICAN PARTY

[Proposed] Intervenor-Defendants.

**CORRECTED EMERGENCY NOTICE OF APPEAL
AND [PROTECTIVE] NOTICE OF APPEAL**

Proposed Intervenor-Defendants, the Republican National Committee and the Rhode Island Republican Party, now appeal to the U.S. Court of Appeals for the First Circuit this Court's order denying their motion to intervene, Amended Text Order (July 30, 2020); Minute Entry (July 28, 2020). Proposed Intervenor-Defendants also protectively appeal the consent judgment and decree and this Court's grant of the

parties' motion to approve that decree, Docs. 25, 26; Minute Entry (July 28, 2020); *see Mansolf v. Babbitt*, 125 F.3d 661, 666 (8th Cir. 1997) ("If final judgment is entered with or after the denial of intervention, the applicant should be permitted to file a protective notice of appeal as to the judgment, to become effective if the denial of intervention is reversed." (cleaned up; quoting 15A Wright & Miller, *Fed. Practice & Procedure* §3902.1, at 113 (2d ed. 1991)).*

Dated: July 30, 2020

Respectfully submitted,

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* The Court denied intervention and approved the consent decree at the hearing on July 28. The Court did not enter an order, however. It told the parties that an order would issue, *see* Minute Entry (July 28, 2020), and then issued an order on a separate, unrelated motion, *see* Order (July 28, 2020).

On July 30, the Court issued an order granting the motion to approve the consent decree, entered the consent judgment, and issued an order denying the motion to intervene. Proposed Intervenor-Defendants immediately filed their notice of appeal. *See* Doc. 28.

Shortly after Proposed Intervenor-Defendants filed their notice of appeal, the Court amended the appealed orders to backdate them to the date of the hearing (July 28). Out of an abundance of caution, Proposed Intervenor-Defendants are filing this corrected notice of appeal to reflect those changes.